

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 24-cr-20428-01

v.

Hon. Gershwin A. Drain

BRANDON MILLS,

Defendant.

/

MOTION TO WITHDRAW AS COUNSEL

John Brusstar, appointed counsel under the CJA, for BRANDON MILLS, moves pursuant to Local Court Rules 57.1(a) and (b), to withdraw as counsel. Counsel files a supporting brief and further states:

1. That on August 6, 2025, Defendant BRANDON MILLS was charged in the Indictment with Count 1: Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1).
2. That on August 5, 2025, a detention hearing was held before the Honorable Magistrate Judge Elizabeth A. Stafford, and the court granted the Defendant's release. (ECF No. 12).
3. That a motion to suppress evidence (ECF No. 40), motion to dismiss (ECF No. 21), and motion to continue trial after the superseding indictment (ECF No.37), were filed on defendant's behalf.
4. On July 28, 2025, defendant filed a Motion to Appoint New Counsel in an affidavit sent to this Honorable Court.

5. That since appointment on August 1, 2024, counsel has worked diligently filing a motion to dismiss and a motion to suppress evidence and was preparing for jury trial scheduled for September 16, 2025.
6. That a breakdown in the attorney client relationship has occurred since the superseding indictment in February of 2025.
7. That without disclosing confidential matters, Mr. Mills and counsel agree that there has been a breakdown in communications. There is little hope for reconciliation. Defense counsel believes he can no longer represent Mr. Mills effectively, and new counsel will benefit Mr. Mills and the effective administration of justice.
8. That the Assistant U.S. Attorneys Stephen Carr and Hank Moon have been contacted pursuant to LCR 7.1 on July 31, 2025, via e-mail and phone, and the government takes no position on this motion and leaves it to this Honorable Court.

Respectfully submitted,

s/ **John W. Brusstar**
John W. Brusstar (P36920)

Dated: August 1, 2025

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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Cr. No. 24-cr-20428-01

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Hon. Gershwin A. Drain

BRANDON MILLS,

Defendant.

/

BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

I.

Counsel was appointed to represent Mr. Mills on August 1, 2024, and has engaged in extensive motion practice and has attended many motion hearings and this case is set for jury trial on September 16, 2025. (ECF No. 48). Since appointment, counsel has secured the release of Mr. Mills after a contested detention hearing (ECF No. 11), filed motions to dismiss (ECF No. 21) and suppress evidence (ECF No. 40), requested and received a Rule 11 Plea Agreement, and after rejecting the plea offer is preparing for trial.

During past phone conversations after motions and court hearings, it was apparent Mr. Mills and defense counsel agreed that there was a breakdown in the attorney-client relationship, and that appointment of new counsel was in his best interest. Based on this and other conversations, defense counsel does not believe reconciliation is possible. Mr. Mills deserves to be represented by an attorney with whom he can communicate effectively and deal with the upcoming trial issues from

a fresh perspective. At this point, Mr. Mills and his current counsel are not confident he can effectively represent him because of the irreconcilable breakdown in the attorney-client relationship. Mr. Mills filed an Affidavit that requests new counsel on July 28, 2025. (ECF No. 52).

II.

Rules 57.1(a) and 57.1(b) of the Local Rules of the United States District Court for the Eastern District of Michigan provide:

- (a) An attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the defendant until the case is dismissed, the defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.
- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interests of justice.

An irreconcilable conflict in the attorney-client relationship is good cause to warrant substitution of counsel and comports with the tenets of the Sixth Amendment right to effective assistance of counsel. *Wilson v. Mintes*, 761 F.2d 275 (6th Cir. 1985).

Defense counsel, at Mr. Mills' request, moves to withdraw as counsel. Mr. Mills is dissatisfied with defense counsel's representation in a manner that frustrates the attorney-client beyond repair, affirmed by his Affidavit stating simply: "I, Brandon Mills, make oath and say that I am in need of new counsel Mr. John

Brusstar has been ineffective and I wish to be assigned new representation," entered by this Honorable Court on July 28, 2025. (ECF No. 52).

III.

For the foregoing reasons, Counsel requests leave to withdraw from representation of Mr. Mills and that new counsel be appointed to represent him.

Respectfully Submitted,

s/ John W. Brusstar
John W. Brusstar
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Dated: August 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system that will send notification of such filing to all parties of record.

s/ John W. Brusstar
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